

Wiretap Prosecutions

Infrequent, Data Show

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Fewer than two per cent of the violations of federal wiretap laws discovered by telephone company employees have led to the federal arrest or prosecution of those responsible for the taps, according to data expected to be released by the National Wiretap Commission during hearings beginning today.

The data, compiled for the commission by American Telephone & Telegraph Co. and the FBI, show that AT&T operating companies found 1,457 wiretaps on or near their wires and instruments during the 7½ years that ended last June 30.

Federal arrests or prosecutions resulted in 27 of the cases, according to the data.

The commission, appointed jointly by the President and Congress, has been investigating the extent of illegal wiretapping to determine if federal laws should be stiffened.

The inquiry has discovered discrepancies in the figures in illegal wiretapping.

According to the commission's internal reports and Michael J. Hershman, the commission's chief investigator, AT&T had details on 1,009 of the 1,457 wiretaps and reported only 610 of the incidents to the FBI.

The FBI had a record of only 473 wiretaps, and 27 of these cases led to arrests or prosecutions the reports show.

A "small number" of additional cases may have been prosecuted by local authorities, Hershman said.

U.S. attorneys declined to prosecute most of the wiretap cases because of lack of evidence or prosecutive merit, expiration of the statute of limitations, or the absence of professionals being involved in the installations, the FBI told the commission.

Hershman said most of the

bers of wiretaps found—126. Following New Jersey Bell were Pacific Telephone in California (100), Southwestern Bell in Texas (90), and Southern Bell in Florida (74).

Chesapeake & Potomac Telephone Co. found two wiretaps in the District, 27 in Maryland, and 27 in Virginia.

The commission also found that, when asked by a commis-

sion investigator posing as a local businessman, 42 of 115 private detective agencies said they would provide wiretapping or bugging services or named another company that would provide such services.

"This glaringly shows that potential wiretappers feel the risk is not great, because enforcement is not aggressive enough," Hershman said.

cases in the last category involved spouses eavesdropping on each other during marital disputes. He said the Justice Department generally does not prosecute such cases apparently because it feels "you lose your right to privacy" when you get married.

Breaking down the possible motives for the 473 wiretaps it had in its records, the FBI listed 279 as being related to marital problems, 34 to other family problems, seven to employee dishonesty, 13 to courtship situations, four to unauthorized police activity, two to politics, eight to industrial espionage, 15 to business problems, and 46 to sexual curiosity, pranks, theft of telephone service, or other motives.

The FBI said the motives were unknown in 65 cases.

The 1,009 taps that AT&T had data on included 832 on residence phones, with most of the rest on business phones. Most transmitted over wires, while a small number transmitted over radio bugs.

New Jersey Bell led AT&T operating companies in num-